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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,054	11/03/2003	Louis A. Lippincott	42P17678	5501

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EXAMINER

THOMAS, ERIC M

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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09/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/701,054

Applicant(s)

LIPPINCOTT, LOUIS A.

Examiner

Eric M. Thomas

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-10 and 12-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-10 and 12-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

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DETAILED ACTION

Response to Amendment

This office action is in response to the amendments filed on 6/28/07 claims 1, 6, 10, and 12 – 17 have been amended and claims 5 and 11 have been cancelled. Claims 1 – 4, 6 – 10, and 12 – 24 are now pending in the current application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 4, 6 – 10, and 12 – 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stoel (U.S. 5,641,319) in view of Loving (U.S. 6,531,964) and in further view of Crump et al. (U.S. 5,801,785).

Regarding claims 1, 8, 9, 17, and 22 – 24 Stoel discloses a gaming apparatus, which discloses an interface that is capable of receiving video game data from a communication link, (col. 2, lines 45 – 60), a module that detects and routes video game information, (col. 9, lines 46 – 63), and a plurality of modulators and buffers, (col. 3, lines 19 – 26), that is capable of storing and modulating video game data at different frequencies (col. 3, lines 24 – 37). Stoel's apparatus, however, is silent on the issue of tags being present in the video game information. In a related art, however, Loving provides a system and method that teaches the use of tags in video game information

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that is used to transmit data from a remote source to a receiver (col. 1, lines 34 – 48), but both Stoel and Loving are silent on the issue of audio and video streams included in the video game information. In a related art, however, Crump provides a method and apparatus that teaches the use of tuners that receive audio and video streams that are distributed at different frequencies (col. 3, line 62 – col. 4, line 8). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include tags and audio/video streams into the art disclosed by Stoel in order to route video game information through the plurality of modulators and buffers more efficiently.

Regarding claims 2, 3, 10, and 14 – 16, and 18 Stoel provides a method of receiving video game information from a remote video game program over a communication link and directs the video game information to at least one or more displays (col. 2, lines 45 – 60 and col. 5, lines 64 – 68) and it also selectively sends control information to a communication link (col. 7, lines 34 – 49). Stoel's method, however, is silent on the issue of tags being present in the video game information. In a related art, however, Loving provides a system and method that teaches the use of tags in video game information that are used to transmit data from a remote source to a receiver (col. 1, lines 34 – 48). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to includes tags into the art disclosed by Stoel in order to be more efficient to remotely couple video game information to one or more displays.

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Regarding claim 4, Stoel provides an apparatus that discloses an interface that is used to transmit control data from a receiver on the communication link (col. 7, lines 34 – 49).

Regarding claims 6 and 21, Stoel provides an apparatus that discloses a device that receives data from a communication link and separates the plurality of data channels from the data (col. 3, lines 24 – 37), but is silent on the issue of the apparatus having a decoder. In a related art, however, Crump provides an apparatus that discloses a plurality of tuners, (col. 7, lines 22 and 36), and a decoder that is used for processing video signals (col. 11, lines 54 – 61). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a decoding module into the apparatus disclosed by Stoel in order to decode the channel information from the tuner and communication link.

Regarding claim 7, Stoel provides an apparatus that discloses a plurality of modulators that are connected to the communication link (col. 5, lines 57 – 60).

Regarding claim 12, Stoel discloses a method of modulating video game information at a frequency to which one or more displays are tuned (col. 4, lines 23 – 34).

Regarding claim 13, Stoel discloses a method of modulating portions of video game information at different frequencies to be distributed to a plurality of different displays (col. 3, lines 24 – 37).

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Regarding claim 19, Stoel teaches the use of an antenna linked to a receiver to the receive control information from multiple controllers (col. 2, line 67 – col.3, line 4).

Regarding claim 20, Stoel provides an apparatus that discloses a plurality of buffers that are used to temporarily store game data information (col. 3, lines 19 – 26).

Regarding claim 22, Stoel provides a method of receiving video game information but is silent of the issue of the video game information having tags.

Response to Arguments

Applicant's arguments, filed on 6/28/07, with respect to the election/restriction of claim(s) 10 – 16 and 22 - 24 have been fully considered and are persuasive. Therefore, the election/restriction has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of all claims presented.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Thomas whose telephone number is (571) 272-1699. The examiner can normally be reached on 7a.m. - 3p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EMT



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SUPERVISORY PRIMARY EXAMINER